

REMARKS

Claims 1-5 and 10-13 remain pending in the present application. Claims 6-9 have been cancelled. Claims 1 and 3-5 have been amended. Claims 10-13 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

SPECIFICATION

The abstract of the disclosure is objected to because it contains various idiomatic and grammatical informalities. The abstract has been amended to overcome the objections. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The claims have been amended to overcome the rejection. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

As best can be understood in view of the indefiniteness of Claims 3 and 5, Claims 1-3 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 5-58143 (made of record by applicant via IDS). Claim 1 has been amended to define the air mix door for adjusting ratio of a volume of air that bypasses the heating device and which flows through a first passage communicating with a first opening to a volume of

air that flows through the heating device and through a second passage communicating with a second opening. The first opening directs air toward an upper region, the second opening directs air to a lower region. A switching door is movable between a first position where the first passage is open and the second passage is closed and a second position where the first passage is closed and the second passage is open.

Switching door 12, defined by the Examiner, of JP 5-58143 is not able to open/close the first passage bypassing the heating device when the first passage is defined as being associated with the air unit door. In addition, switching door 12 is not able to open/close the second passage having air passing through the heating device when it is associated with the air mix door as is now defined in amended Claim 1.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-5, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claim 4 depended from Claim 1. New Claim 10 is an independent claim which includes the original limitations of Claims 1 and 4 along with amendments to overcome the 35 U.S.C. § 112 issues. New Claims 11-13 are dependent claims similar to Claims 2, 3 and 5, but which depend from Claim 10.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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